

RE-EDUCATION OF YOUNG OFFENDERS IN COURSE OF AFTER-CARE ACTIVITY

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Received 16th October 1972.

I. The role of after-care in preventing offences

Prevention of crime is the primary aim and task of criminologic research. From this point of view special attention should be paid to young offenders, since all the successful preventive measures taken in their favour put a break to the formation of criminal replacement and may, in the long run, lead to a general setback in the commission of offences. These principles were considered by the Group of Criminology at the Faculty of Political Science and Jurisprudence of the Eötvös Loránd University of Science when it started, in 1965, to study the after-care of juveniles sentenced to loss of liberty.

As prevention of crime in general, prevention of juvenile delinquency has two main tendencies, namely:

a) discontinuance or alleviation of the circumstances leading to crime, or giving rise to criminal intent, i.e. prevention of crime in general, and

b) prevention of repetition of crime.

Out of the two main targets of prevention, after-care activity serves the latter. It covers measures which aim at preventing the repetition of crime. These measures may be applied against persons who had committed an offence and have served the prison sentence imposed on them. Thus after-care is a means of great importance of prevention.

1. *The concept of after-care*

According to the generally accepted view and the respective provisions of law, juveniles' after-care forms part of the protector's control. In conformity with decree No. 6/1969. MM. protector's control may be prescribed *outside the frames of criminal procedure* against juveniles whose moral development, upbringing and care of are not ensured in their family or caretaker's environment, or in case of whom state care has been suspended. In such cases the purpose is to help juveniles being in dangerous position and there is every reason for applying protector's control even if the juvenile himself has not given yet evidence of being unable or unwilling to live within the general norms adopted by the society.

This is not the case when protector's control has to be prescribed under the provisions of the Penal Code. Juveniles against whom protector's control is applied in pursuance of a criminal procedure have behaved in a way contrary to law, they are subjected therefore to a different treatment from those belonging to the previous group.

According to paragraph No. 100 of the Penal Code, protector's control may be applied against juveniles

- who have been placed on probation
- who have been sentenced to reformatory and educative labour
- whose sentence to detention has been suspended
- who have been released on ticket-of-leave
- who have been released provisionally from an approved school.¹

According to decree No. 6/1969. MM. protector's control may be applied, if necessary, also if the juvenile under 18 is discharged not temporarily, but definitely from the institution serving for place of the enforcement of his punishment.

In order to increase the efficiency of the activity connected with protector's control, decree No. 131/1970 MM. made possible the employment of official protectors. Their duty is to fulfil part of the concrete tasks connected with protector's control, to direct the activity of social protectors and to co-ordinate the work of the organizations responsible in this field.

In the frame of the protector's control system outlined above, we consider as after-care cases only those where the young persons have been released from the prison on parole or definitely, or when they have been discharged provisionally from an approved school. The common feature of these cases is that the given person committed the offence in his youth and did not come of age during the punishment period. A further common feature is that punishment is loss of liberty both in the case of imprisonment and in the case of a sentence to approved school education.² In our judgement, juveniles having served their punishment of loss of liberty require a different treatment from those having been placed on probation, on reformatory and educative labour or whose sentence to detention has been suspended. In the latter cases, due to the sentence, juveniles get back to their former environment, so the subjective and objective conditions for adapting themselves to society have to be created there.

A sentence or measure on detention has the following particulars:

— Under the practice of criminal law, sentence or measure on detention — *which expresses the increased danger of the action or of the person to the society* — is very rarely imposed on juveniles.

— In case of applying a punishment or measure to detention, social adaptation cannot be fully realized during the enforcement of the sentence, in contrary to the case of punishment not involving detention; it can be realized in two separate phases: during the enforcement of the sentence the institution or prison has for task — in conformity with the purpose of the punishment — to re-educate the prisoner, thus creating the subjective conditions for his social adaptation, while the creation of objective

conditions is to be achieved in the second phase, after the convict has been discharged from prison, i.e. in the course of the after-care activity.

— At last it is in the nature of the measure or sentence to detention that the convict has to live in the strict discipline of the prison or of the approved school, in an atmosphere where human relations are considerably limited. This results, in many cases, in the weakening or total break of the former ties of family or friendship, in the restoration of which the most efficient assistance can be rendered by after-care activity. Hence this is of primary importance from the point of view of social adaptation.

Summing up the above, after-care can be spoken about only if it follows a sentence or measure to loss of liberty, because the latter have a series of consequences which require that a special treatment should be given to the offender.

In our view, the same treatment as given to juveniles should also be given to persons who had committed the offence in their youth, and in case of whom the enforcement of the sentence has come to an end after they have completed their 18th year but haven't passed the young adult's age limit (i.e. under 25). This group includes those having been discharged definitely from an approved school, and whose after-care is not provided for by law, as well as those persons above 18 who have been released provisionally or definitely from the institution serving for place of their detention, and whose after-care is provided for by Government decree No. 12/1965.

The punishment of these persons is enforced in accordance with the rules concerning juveniles. Their personality, their maturity are nearer to those of juveniles than to those of adults. Similarly, after their discharge, they have to face the same problems as juveniles, and not as adults. This is the reason why we think that unification of juveniles' and young adults' after-care would be justified. (See our proposals later.) According to the above, the circle of young offenders in favour of whom after-care activity is to be displayed can be specified as follows:

— juveniles who had been sentenced to an approved-school education and have been released provisionally from the institution

— juveniles who had been sentenced to an enforceable loss of liberty and have been discharged provisionally or definitely from the institution serving for place of their punishment

— if necessary, young adults who committed an offence in their youth and at the time of their discharge they are within young adults' age limit (18–25 years old).

Considering all this, in our view *after-care is the whole of measures taken by various state and social organizations in order to promote social adaptation of persons sentenced to loss of liberty (to educative measure) and to prevent, in this way, the commission of new offences.*

Evidently, the goal of after-care is achieved only if it manages to create the conditions for social adaptation of the persons having been discharged from detention. However, the promotion of social adaptation does not merely fall upon after-care activity; it constitutes the objective

of the punishment itself. Besides retaliation and general prevention, special prevention figures in the Penal Code as a goal to be achieved. It is worded as the correction of the offender.⁴ Thus the realization of the aim of the punishment, i.e. the promotion of social adaptation is a task of the sentence, of the enforcement of the punishment and of after-care. The sentence of the tribunal expresses the way and method leading to the offender's correction, the enforcement of the punishment assures it in practice, while after-care promotes that the correction realized as the purpose of the punishment be manifested in the circumstances of free life. All these serve social adaptation. Hence a successful after-care activity is conditioned upon a sentence of adequate pedagogic nature and an effective enforcement of the punishment. The results of the research work carried out by the Group of Criminology at the Faculty of Political Science and Jurisprudence of the Eötvös Loránd University of Science show that social adaptation has subjective and objective conditions.

By *subjective* conditions is meant a certain state of the personality of the person discharged from detention, in which is expressed, through his acts, that he accepts the social norms, i.e. in which the special preventive purpose of the punishment is achieved.

Objective conditions involve the social circumstances which make possible the effectiveness of the subjective conditions within the circumstances of free life.⁵

Taking into view the foregoing, from the point of view of social adaptation the punishment may be effective only if it is followed by an adequate after-care activity. The latter, on its part, can be realized if it has been preceded by a suitable enforcement of the sentence. Thus the forms of organization creating the subjective and objective conditions for social adaptation have to work in a perfect harmony.

II. Tasks connected with young offenders' after-care

The Group of Criminology at the Faculty of Political Science and Jurisprudence of the Eötvös Loránd University of Science has been carrying on, since 1965, a research relating to the after-care of young offenders and has been displaying after-care activity under the arrangement concluded with the Headquarters of the Juveniles' Prison. After-care activity is displayed by the members of the Scientific Students' Group of Criminology. The purpose of the research is to reveal the effective methods of after-care, to examine the harmony between the effect of the punishment and the after-care. Below we try to outline the experiences gained during our research work as well as the tasks to be determined on the basis of practice.

1. *Creation of the subjective conditions for social adaptation*

The creation of the subjective conditions for social adaptation falls, as we mentioned, first and foremost on the institution serving for place

of enforcement of the sentence or measure of loss of liberty. However, the fulfilment of this task is conditioned by a sentence which takes duly into view the individual case and which includes the adequate preventive elements. Hence the first step in creating the subjective conditions for social adaptation is constituted by the tribunal's sentence.

The experience shows that the tribunals competent in the cases of young offenders generally make the adequate differentiation while imposing the punishment. Let's see some examples of the investigation carried out in this matter by the Chief Prosecutor's Office in 1965. In case of juveniles who appeared on the first occasion before the tribunals, court admonition and placing on probation were the measures most frequently taken (totally in 25.9 per cent). At the same time in cases of validly sentenced persons of the same age, against whom educative measures or punishment had already been imposed, sentence to an approved school education was predominant in a proportion of 15.2 per cent. Since approved school education means loss of liberty, it is regarded as the heaviest among educative measures. While loss of liberty was imposed in 1965 on 38.6 per cent of juveniles sentenced validly on the first occasion, this figure was 67.7 per cent relating to those who had been previously sentenced to educative measure or punishment.

These data prove that Juvenile Courts generally pass sentences or measures of loss of liberty only in the heaviest cases, mostly when other kinds of educative measures or punishment applied previously have not proved successful. From the point of view of our research this is a statement of great importance, since the fact that the person is very dangerous to society has to be reflected not only in the form but also in the content of the punishment.

The effectiveness of the punishment of loss of liberty depends above all on the concord between the applied system, the educative means and the period of punishment. To ensure the maximum efficiency of systems built upon different educational principles and methods, different periods of application are required. However, the principle and methods of criminal-pedagogy are limited, their efficiency cannot be increased at will, only by means of a steady and extensive research. That is why the period of punishment is to be adjusted to the principles and methods of criminal pedagogy, and not the opposite. In this connection, two problems are to be dealt with: the one is the efficiency of *short-term loss of liberty*, the other the problem of *punishment of a relatively undetermined period*.

Short-term loss of liberty (below 6 months) is applied in the criminal practice of nearly every country, though criminologic research have already queried the efficiency of this method. In the USA there was a hot debate about the application of punishment of suspended loss of liberty, instead of short-term detention⁷, since during the period of the latter — at the present state of criminal-pedagogy — it is nearly impossible to achieve a positive effect, i.e. to reform the offender. The same holds all the more in respect of juveniles. This realization led English judicial experts to

propose that short term loss of liberty (below 6 months) against young offenders should be abolished. In 1961 the proposal was enacted.⁸

The motivation of the bill refers to the unfavourable effect of some months' punishment, saying that in such a short period not only the achievement of a positive effect is impossible, but the convicts are, at the same time, exposed to the harmful influence of the prison.⁹

In our judgement, short-term loss of liberty is not suited either in Hungary to realize the purpose of punishment, since some months are not enough to re-educate, to reform the offenders. The raising of the cultural level, the amendment of the attitude to work of the convicts takes sometimes several years' educative activity.

Short-term loss of liberty, besides being inadequate to ensure the educational requirements, is further unfit for determent, keeping back from crime, since not even the most severe of our prison systems causes physical pain or applies mental torture to convicts, but intends to ensure human conditions of existence. Therefore if loss of liberty does not go together with the proper transformation of the convict's consciousness, his reformation, punishment cannot achieve its goal even if not the educational effect, but retaliation is considered as the purpose of the punishment.

As we have seen above, punishment or measure of loss of liberty is imposed in judicial practice generally when repetition of crime is in question, that is when the offender's behaviour proves his increased danger to society. Therefore we think that the revision of short-term loss of liberty, the appraisal of its effectiveness and a considerable limitation or total abolition of its application are a pressing issue. This is all the more justified as sentences of short-term loss of liberty imposed on juveniles represent a considerable proportion of the totality of punishments on detention (see table below).

Punishment period of young offenders sentenced to enforceable loss of liberty

Enforceable punishment of loss of liberty	Young offenders sentenced to enforceable loss of liberty											
	1965		1966		1967		1968		1969		1970	
	no.	%	no.	%	no.	%	no.	%	no.	%	no.	%
Total	1024	100	1163	100	1185	100	851	100	1079	100	1368	100
Below six months	495	48.4	564	48.7	576	48.6	423	49.7	453	41.9	464	34.7

Passing over to the subject of *loss of liberty of relatively undetermined period*, we should like to begin with saying that neither this form is unfamiliar to Hungary's socialist criminal law system. By virtue of criminal law, as a punitive measure, young offenders may be sentenced to an approved school education.¹⁰ The duration of approved school education is not

determined by the tribunals. Its shortest period provided for by law is one year. The upper time-limit is fixed at the completion of the 18th year. Within the time limits set by law, the council of the approved school is competent to decide about the discharge of the juvenile. The decision depends on the way the juvenile behaves in at the school.

Another form of punishment imposed on young offenders is sentence to loss of liberty the length of which is determined by the tribunals, within the frames fixed by law.¹¹ It is worded in the law as punishment, while approved school education may be regarded as an educative measure. In our experiences, nearly 20% of young offenders serving their punishment of loss of liberty have previously been sentenced to imprisonment.

These persons are in prison at the second time within 4 years (between 14 and 18). During the period of the new punishment there are again rather few opportunities to create the subjective conditions for social adaptation, mostly if the new punishment, too, reflects the danger to society of the offence and not of the person who committed it. In order to realize a complete transformation, in such cases special attention is to be paid to the manifestation of the danger of the person to society. Therefore the *application of loss of liberty of relatively undetermined period* should be considered against young offenders to be sentenced repeatedly to detention. It would mean that a juvenile convict is discharged within a fixed time-limit only if he gives evidence of his intent to adapt himself to society. This, of course requires, a relatively exact measuring of the intent of social adaptation. To work out the necessary means and methods of measuring is a task falling upon criminal-pedagogy and criminal-psychology. As a first step, loss of liberty of undetermined period should be introduced only for experimental purposes. The generalization of this type of punishment for those in case of whom this is regarded theoretically as the most efficient punitive measure is possible only if we dispose of adequate experiences and methods, if both material and personal conditions are created. When preparing the experimental period, long years' experiences of approved school education could be made good use of. At the same time, this form of punishment would not mean inevitably the considerable extension of the punishment period. With an intensive, appropriate treatment and education, with the incitement of the convicts an optimal time-limit could be set. Loss of liberty of relatively undetermined period would mean, as a matter of fact, that those young offenders whose conduct in the prison would unequivocally foreshadow the possibility of new crimes, would not be discharged from the prison.

Those who are against loss of liberty of undetermined period generally argue that this type of punishment — since the time of release depends primarily on the convict's conduct — leads to dissimulation, conformism, i.e. brings forth negative features. In reality, it means that during the period of detention the convict controls his emotions and feelings, renounces to satisfy his needs different from or contrary to social or prison norms, that is adapts himself to social requirements (supposing here that prison system embodies social requirements).

However, the requirement to adapt themselves to society does not go only for convicts, but for all of us, for all those who are neither offenders, nor convicts. One of the basic tasks of pedagogy is exactly to teach people to adapt themselves to social circumstances. Evidently, it is not the same whether somebody accepts the norms of legal behaviour from conviction or from hypocrisy. Nevertheless, at the present level of consciousness and morality it can be passed for a success if somebody does not commit a crime for fear of the legal consequences. It is possible, of course, that the convict behaves in duty bound not to spend more than 3 to 5 years in prison and to continue his former way of life as soon as possible. The mentality of a person being able of such shamming cannot be changed either by detention of a determined period.

In case the period is undetermined, there exists the possibility that the convict's intent is recognized and he is not let back to the community, to prevent a possible commission of another (and perhaps serious) crime.

The subjective conditions for social adaptation are created — within the frames set by the sentence — by the institution competent to enforce the punishment or measure of loss of liberty. The primary task of these institutions is to make convicts renounce their antisocial ideas and to make them accept both on rational and emotional level, the generally approved norms of the society.¹²

There are several means and methods to be applied in creating this new thinking that accepts the basic norms of the society.

Mention should be made, first of all, of *education to work*, since work is one of the most important elements to measure social adaptation, it is the connection between person and society is generally judged through.

The occupations of juvenile convicts represent the cultural level and in many cases the attitude to work of these persons.

Juvenile convicts sentenced to enforceable detention, according to occupation

Occupation	1966		1969	
	number	percentage	number	percentage
Primary school student	12	3.5	9	2.6
Secondary school student	9	2.6	—	—
Industrial apprentice	75	21.9	34	9.9
Skilled worker	25	7.3	12	3.5
Semi-skilled worker	31	9.2	5	1.5
Unskilled worker	199	46.3	152	44.5
Unemployed	31	9.2	130	38.0
Total	382	100%	342	100%

As these figures show, the greatest proportion is represented by unskilled workers and unemployed persons. The number of the latter increased considerably by 1969. Therefore one of the most important

methods of education during the period of punishment is to ensure regular employment and professional training. Regular work means for many offenders a new mode of life compared to the former way he lived in, and this may often be a key of his plans for the future. Regular work means a regular income as well, which has, already during the period of punishment, a favourable incentive effect on the convicts.

Further, the sum obtained this way may form an adequate financial basis for the convict to realize, after having been discharged from prison, his plans for an honest life. Besides financial aid, regular work has another purpose: to make the prisoner feel the experience of success. Therefore, when organizing work in prisons, the eligible occupations should be chosen with great care. Possibly those scopes of activity are to be created where the unspecialized offender may obtain professional training at least on a semi-skilled worker's level. At the same time, professional training may help the convict to find a job after his release, and increase ambition to work. These are of a special significance when prisons offer professional training in those trades which are of great demand in free life.

In Hungary, convicts work in every prison, mostly their professional training is also ensured. However, it is not always possible, when choosing the trades to be taught, to keep in view the requirements of free life. Prisons are not always in a position to adapt themselves flexibly to labour demand, it happens therefore that convicts learn a trade they cannot make proper use of after being released. As our investigation proves, partly those told above are responsible for the fact that only a small proportion of juveniles released from prison worked in the trade they had learnt there, though about 30 per cent of them had been given professional training during their detention. Considerable efforts are made by the responsables of the enforcement of punishment in order to find a solution to these problems. One of the main obstacles to the assuring of an adequate trade is that certain prisoners do not spend more than some months in the institution serving for place of their punishment. *Loss of liberty below 6 months is inadequate not only for a positive transformation of the convict's personality, but for professional training as well.*

Besides the question of education to work, another important task of imprisonment is to raise the convict's cultural level. Criminologic research has proved from many points of view that the lack of an adequate cultural level bears a certain relation to crime.¹⁴

Rise of cultural level is ensured first and foremost within the frame of an organized school education. The organized school education of young convicts is provided for by law. It is prescribed that, during the detention period, young convicts have to take part in an organized school education, in case they are not at an educational level corresponding to eight-year general school. In certain circumstances, the law even makes possible for convicts to pursue private secondary-school studies.¹⁵ Over and above the organized school education offering general knowledge, the moral and ideological development of the convicts can also be ensured, through

both private and collective programmes. It is also important to make convicts acquainted with basic civic rights, to teach them cultured manners, the trade they chose and the elements of natural science connected with it.

In course of the detention, there arises the necessity of the prisoners' self-education, too. The requirements mentioned above are generally met by the institution serving for place of the detention. Qualified educators deal with the convicts. The problem arises when organizing the private programmes of the convicts, since one educator is often responsible for 80 to 100 prisoners. Due to their innumerable tasks, they have hardly any time for more intimate conversations, for making a closer acquaintance with the convicts, for getting them to tell frankly about their individual problems.

In the creation of subjective conditions for social adaptation the role of the *regulation of emotional relations with the environment* is of great importance. In this respect family relations are meant first. Criminologic research carried on so far prove that, in case of a considerable number of young offenders, family environment had a decisive effect on the negative development of the juvenile's personality, on the commission of the offence.¹⁶

Consequently, if in such cases juveniles after their discharge get back to their family environment which had not undergone in the meantime any favourable change, it is highly probable that they will, in a relatively great proportion, commit another offence, even if the special preventive effect of the detention was otherwise achieved.

That is why, during the period of the imprisonment itself, an increased attention is to be paid to reveal the role of family relation, i.e. the role it played in the commission of the offence in the negative development of the juvenile's personality. The information required in this respect can be obtained in course of individual conversations, from criminal records or educators may gain personal impressions at the time of the parents' visit to the prison. This circle of information has been enlarged by the members of the Students' Circle of Criminology, when they visited the parents of juveniles being about to be discharged, studied the housing conditions, social situation and tried to get an idea about the parents' mentality. Such kinds of information proved very useful. In a considerable part of the cases (20%) it was found that juveniles, after their discharge, get back to circumstances nearly predestining them to crime. From the point of view of the prevention of repetition of crime not only those environments are harmful where juveniles are exposed to direct pernicious effects but also those where the child's antisocial behaviour made parents indifferent or where parents are ashamed of the child and do not even want to know about him.

In all these cases, already during the detention period, such measures would be necessary which could solve the convict's problems by enabling him to make right plans for his future, to make him feel sure to belong to somewhere. The feeling of being rootless, being outcast makes for the con-

vict nearly impossible to plan an honest future. Failing this, there is no intention of adaptation, nor conscious positive activity, thus the whole punishment becomes useless.

In the foregoing, we tried to outline the most important tasks to be fulfilled in creating the subjective conditions for social adaptation, to throw light upon the process, demanding extremely much work and long time, which can result in giving rise to the convict's intent to adapt himself to society. From the point of view of the prevention of juvenile delinquency, this kind of activity of reformatory and educative nature has an extraordinary importance since more than one fourth of young offenders sentenced validly are sentenced to a punishment involving loss of liberty.¹⁷

2. Creation of the objective conditions for social adaptation

As we emphasized in the introductory part of the present study, after-care is built upon the results of the punishment or measure on detention, it consists of a series of organized measures completing the different forms of punishment. Its principal task is to create the objective measures for social adaptation. Besides this, after-care has the duty to further enforce — according to the possibilities — in the thinking of the convicts discharged from prison the socially right ideas and intentions. From the point of view of the creation of the subjective conditions for social adaptation, convicts discharged from prison belong to one of the below-specified groups:

- those who, at the time of their discharge are prepared to adapt themselves to society, but for the realization of their plans they need the active help of the society within the circumstances of free life;
- those in case of whom the aim of the punishment was achieved only in part, their antisocial thinking was swept away but it was not replaced by the acceptance of the basic norms of social life. Above social help, these persons need in free life a further supervision and control.
- those at last, whose detention remains useless, who leave the prison in their mind with the possibility, or even with the plan of a new offence. In such cases after-care means, besides the promotion of social adaptation, an increased supervision and control. Regarding that with our present punitive system the proportion of such convicts is not unimportant (about 25%), after-care has to pay special care to juveniles discharged without the intent of social adaptation.

In order to create the objective conditions for social adaptation, the released person should be rendered assistance in the following fields:

- in finding a job
- in solving his housing problems

- in solving his problems concerning family and other emotional relations
- in building up convenient relations of friendship
- in organizing the raising of his cultural level
- in creating the forms for his cultured entertainment.

The Hungarian system of after-care activity is regulated by Government decree No. 12/1965. By virtue of this decree, the primary aim of after-care is to promote setting discharged persons to work. Its system organized in conformity with the provisions of law serves the achievement of the same objective. The tasks connected with the convict's setting to work are fulfilled — upon the initiative of the institution serving for place of the detention — by the respective body of the competent local council. (In case of juveniles this task falls upon the public guardianship authority, however, if the given person completes his 18th year before his discharge, the group of social policy of the council's health department is responsible.) In this activity, social workers are relied on as well. In case of juveniles the achievement of the above objective is promoted by social workers within the Young Communists' Organization's interest safeguarding network. The respective tasks of the enterprise or cooperative acting as the discharged convict's employer are prescribed by the law. If the person's way of life is supposed to lead to recidivism, the council's competent body may, in course of the after-care activity, have recourse to the assistance of the police.

Though, under the provisions of law, the most important task of after-care activity is *to set those discharged to work*, in our experiences *there are serious shortcomings even in this field*. In 1966, at the time of our investigation, about two thirds of discharged juveniles were employed, most of them as unskilled workers, a smaller proportion (about 20%) as semi-skilled or skilled workers. The relatively small number of skilled workers can be explained partly by the fact that many juveniles are reluctant to adapt themselves to the strictly fixed working conditions of an employment requiring technical knowledge, and partly with their inability or unwillingness to find a job in the trade they learnt.

Our investigation was extended to persons who had been released three months earlier. It was found that 50% of them had already changed their employment occupied immediately after their discharge, which can be explained mostly by the lack of affection to work. During the investigation, only one fourth of those being employed said that they were fond of work, two thirds of them gave a definite negative answer.

The average income of those being employed may be considered as satisfactory, if we take into account that most of them work as unskilled workers. This fact proves that not so much the low wages, but work itself and mostly the deformed ideas on work taken over from their parents or others are responsible for the frequent changes of employment, for the lack of affection to work, for vagrancy. At the time of the investigation a minor, but still important part (about 30—35%) of the released persons

were unemployed. Within this proportion, about one third had not at all been employed after having been discharged, and two thirds of them had been working at several working places. To the question of what they lived on, some of them gave no answer, while the majority mentioned their parents as their supporters. The experiences of the investigation show that the most serious problems arise in cases of juveniles who do not begin to work shortly after their release. Usually they spend all the day without any supervision, idly or in the company of juveniles of a similar mentality. The majority of them do not consider future and work as one. They have not any idea about the work they would willingly do. To the questions concerning that, they gave no answer in general. And if they did give answers, these prove that they consider work as an unavoidable condition of existence. Their attitude is "the highest possible income with the least possible work."

The provisions of law relating to after-care activity only touches assistance to be rendered in solving problems connected with family relations. It does not even mention the rise of cultural and professional level, the improvement of housing conditions and the other conditions of much significance from the point of view of social adaptation. Further, the forms of organization are also missing the solution of these problems. From the above findings of our investigation the conclusion may be drawn that Hungary's after-care system requires revision and reform.

3. The proposed measures

In order to increase the efficiency of after-care activity it seems useful to create first, modelled on the network of official protectors set up in 1970, an official after-care system, for the promotion of social adaptation of convicts having served their punishment of loss of liberty.

At present, officials charged with after-care activity are employed in several western countries (e.g. in the USA, Sweden, Great-Britain). Similarly, such officials are responsible for the problem of released juveniles in Poland.¹⁸ In certain countries, like England, the training of such officials has been raised to university level.¹⁹ When creating Hungary's after-care system, it would be advisable to take other countries' experiences into consideration.

The employment of after-care officials would not mean of course a total disregard of social workers. In our view, social workers could be relied on principally at working places, where the majority of released persons have to face serious difficulties when it turns out that they are ex-convicts. In these cases they need the help of the local group of the Young Communists' Organization or of a socialist workers' brigade, which admits them and so to say goes guarantee for them. Hence social workers would fulfil concrete tasks in a specified field of after-care activity, possibly where special knowledge is not required.

Our research work has revealed some possibilities for increasing the efficiency of after-care system. Based on the experiences of a six years' after-care activity it can be stated that juveniles released from prison can be dealt with much more success if the creation of the objective conditions for social adaptation begins in the prison. It is of especially great importance if the prisoner is aware, leaving the prison, of the circumstances he will live in after being released, of housing and working possibilities, and family problems, since it may enable him to make real plans for his future.

During the detention period, the convicts' ideas are centred around their discharge, but their plans are often unreal. (E. G. many of them dream about a career of a leading sportsman, pop-singer, actor or acrobat.) It must be noted, however, that unreal mentality is not the product of the punishment, it evolved before the commission of the offence. If after-care activity started in the prison has no other result but the elimination of such unreal thinking, the expended work is worth while.

One of the purposes of conversations held with young convicts should be to help them to make those kinds of plans which can be realized within a relatively short period after their discharge and which can often be connected with their personal wishes.

In our experiences, a very efficient method is if the discharged juvenile is met by the after-care official at the moment of his release, literally at the gate of the prison. It happens often that nobody waits for the released person, or those friends, acquaintances wait for him, whose effect on his mentality is unfavourable. If several juveniles are leaving the prison at the same time, they generally spend the first day together, and this is very dangerous.

Our proposal is therefore that not only the contents, but also the organization forms of after-care should be based upon the punishment of loss of liberty. After-care activity can be linked, in the last phase of detention, with the educative work going on in the prison and in this way, in harmony with the creation of the objective conditions for social adaptation, the creation of the subjective conditions can begin, too.

Our investigations prove that about 15–20 per cent of convicts, after their release, get back to family circumstances nearly predestining them to crime. In the capital, among juveniles sentenced validly to detention, 9 per cent lived, at the time of the commission of the offence, in workers' hostels or in boarding schools, 2.4 per cent in strangers' households, 2.5 per cent in industrial apprentices' homes.²⁰ These juveniles, after being released, may easily get again to dangerous circumstances, owing to the unfavourable effect of their environment, or to uncertain housing conditions. In these cases the juveniles' accommodation ought to be provided for officially, since as the data prove, there is no convenient environment for the convict, child of alcoholic parents, ex-dweller of a workers' hostel, of a boarding-school or having been under state care, where to return.

During the detention period, in accordance with the provisions of law, juveniles receive vocational training. Under the present practice, the training period is generally 3 years, but the detention period itself does not conform to it, therefore a considerable number (about two thirds) of released convicts leave the institution without disposing of a skilled worker's certificate. In the majority of the cases, even if the released juveniles is prepared to continue the training he has started, it is not possible because in his residence he has no opportunity to practice the respective trade.

It is justified therefore to raise the idea of creating *transitional* institutions.

These hostels could render assistance partly by solving the exconvicts' housing problems, partly by enabling them to finish their professional training.

However, together with the above, other problems could be solved, too. For example, under the supervision and with the help of well-trained educators, now within the circumstances of free life, reformatory and educative work could be continued. In these institutes ex-convicts could spend their spare-time in a cultured way, various possibilities would exist for their education, and all this would have a great influence on the released person's mentality. They would work or receive professional training within the circumstances of free life, fixed programmes would not make up but a definite part of their leisure time, the rest they would spend at their will. All this would mean that transitional homes would really constitute a transition between the strict discipline of the prison or approved school and free life. The transitional phase could help a lot to create self-control in them, since during the period of punishment there are very few possibilities for exercising self-control, all the programmes being fixed, the possibility of choice rather restricted.

In the introductory part of the present study we proposed that after-care of juvenile and young adult offenders could and should be unified. At present, there is not any opportunity for the after-care of those discharged definitely from an approved school. In case of released persons above 18 after-care is provided for by Government decree No. 12/1965.²¹ This decree regulates after-care in general, thus it is valid for adult persons as well.

Evidently, it cannot cover all the particulars of juvenile delinquency nor those of the punishment enforced against young offenders. In our experiences, persons discharged definitely from the approved school or released from the prison after having completed their 18th year cannot be dealt with like adults.

Criminologic research proves that it is justified to insert, between the group of young offenders and that of adults the young adults' category, which extends to offenders from 18 to 23 or 25 years old.²² The development of the personality is not concluded with the completion of the 18th year, the given person generally just has started to put his professional knowledge into practice, at most he has been employed for

one or two years. These circumstances justify the separation of young adults' category from that of adults, considering the characteristic personal features of this age-group. The differentiation is justified also as regards after-care activity.

We would not propose that obligatory after-care be prescribed in all such cases. We deem it important, however, to consider, when applying after-care, the characteristics of the age-group of young adults, as well as the danger of their personality reflected by the commission of the crime.

Regarding this group of convicts, we judge after-care of special importance if the released person had been under state-care in the period previous to the commission of the offence, since after the completion of the 18th year state-care ceases and such a juvenile needs help already on the first day after his discharge, being in lack of social ties. Further, the application of after-care is justified when the young adult's family circumstances are unsettled, because receiving no help from home, for these persons it is as difficult to look after themselves as for juveniles.

An organized after-care assistance should be rendered also to those young adults who did not finish professional training during the detention period.

Further, after-care should be provided for those persons whose personality's danger on the society is manifested by having committed the offence in gangs, in a form of collective delinquency. In our experiences, the offender's circle of friends has a strong influence on him even after he has served his punishment. (One third of released persons returns to this circle.) In the majority of the cases it happens so even if the punishment achieved its result and the convict leaves the prison with the intent of social adaptation in his mind.

It is clear from the foregoing that in the prevention of offences there are certain fields where success can be achieved only by an after-care organization working in form of a well-organized state institution.

At last we should like to mention that the elaboration of the after-care organization requiring financial and personal conditions has not brought about a uniform attitude in expert circles. Some think that the elaboration of an official after care system, the establishment of transitional homes and the care about convicts, "criminals" in general is exaggerated. They argue that when thousands of honest people live in insufficient life conditions, it is unjust to care about offenders to such an extent. It is only part of the truth. The struggle against delinquency has to be regarded from the point of view of the society. The requirement to be considered here is to defend its order, peace and calm. In the socialist countries delinquency does not constitute such a great danger to society as in capitalist countries. However, if our jurisdiction, and means of the struggle against delinquency are not improved, the commission of crime may increase in Hungary, too. Otherwise, all the energy and financial expenditure leading to the diminution of crimes is largely compensated by the

financial, moral and political benefit which this diminution means for the society.

Further, it has to be considered that the offender is a human being who merits the care of the society. This is especially true in case of juveniles. We can expect them to become again honest citizens only by creating the objective and subjective conditions for this process.

FOOT-NOTES

¹ This system is applied by dr. Béla Csomor, when defining in his study the concept of after-care. See *dr. Béla Csomor: State and social means for the diminution of juvenile recidivist delinquency, with special regard to after-care.* (On juvenile delinquency, Educational and Training Section, Ministry of Interior, 1970, page 161.)

² By virtue of paragraph 37 of the Criminal Code of the Hungarian People's Republic, *punishment* of loss of liberty is detention. *Measure* on loss of liberty may be taken only against young offenders, according to paragraph 91. Its form is approved-school education.

³ What is important is not to call after-care or not the institution described, but to separate those specially grouped tasks which indicate the possible fields of the prevention of juvenile delinquency. We insist on calling it after-care only because the etymological definition of the expression covers a content which precedes the punishment. Re-education during the detention is followed by a form of measure which cannot be identified with punishment, does not form part of it, only completes it.

⁴ Criminal Code of the Hungarian People's Republic, Paragraph 34.

⁵ *Dr. Katalin Gönczöl: The councils' tasks in after-care.* Állam és Igazgatás, No. 9, 1968.

⁶ *Dr. Pál Schönmwald: To make tribunals' sentences more effective in the struggle against young recidivists (on juvenile delinquency, Educational and Training Section of the Ministry of Interior, 1970, pages 111–112.)*

⁷ Karsten, Prager and others: *The Shame of the Prisons,* (Time, January 18, 1971, pages 48–55.)

⁸ The Criminal Justice Act. 1961.

⁹ *Dr. József Vigh: Treatment of offenders in England.* Magyar Jog, 1971. No. 12.

¹⁰ Criminal Code of the Hungarian People's Republic, paragraph 91. (indents No. 1, 2, 3, 4.)

¹¹ Criminal Code of the Hungarian People's Republic, paragraph 93. (indents 1, 2, 3.)

¹² *Dr. Tibor Horváth: takes the same position in his study "The criminal-pedagogic programmes and methodological problems of juvenile recidivists' re-education" (On juvenile delinquency, Educational and Training Section of the Ministry of Interior, 1970., page 173.)*

¹³ The table contains the date of the representative fact-finding investigation of the Group of Criminology.

¹⁴ *Dr. József Vigh: Juvenile delinquency and society.* (Közgazdasági és Jogi Könyvtár, 1965, pages 194–199.)

Dr. Tibor Huszár: Young offenders (Tankönyvkiadó, Budapest. 1964, pages 209–222.)

Report of the *National Institute of Criminology* on the examination of recidivists' offences, No. 10, 1965.

Dr. József Földvári—Dr. József Vigh: Criminology. University lecture-notes, paragraph 12. (Tankönyvkiadó, Budapest 1966, pages 129–136.)

¹⁵ Law-decree No. 21 of 1966 of the Presidential Council of the Hungarian People's Republic, paragraphs 369. and 370.

¹⁶ *Dr. József Vigh: Some experiences of after-care of juveniles released from prison.* (Acta Facultatis Politico-Iuridical Universitatis Scientiarum Budapestiensis De Rolando Eötvös Nominatae, Tomus XI. 1969, pages 93–94.)

Dr. Miklós Vermes: The general social causes of juveniles' recidivism. (On juvenile delinquency, Educational and Training Section of the Ministry of Interior, 1970. pages 154, 155.)

¹⁷ Young offenders sentenced validly, according to the nature of their punishment or measure taken against them.

Nature of the measure	Juveniles sentenced validly							
	1965		1966		1967		1968	
	number	%	number	%	number	%	number	%
Total	5037	100	5865	100	5920	100	4553	100
Those sentenced to enforce- able loss of liberty	1024	20.3	1163	19.9	1185	20.0	851	18.7
Those sentenced to an appro- ved school education	443	8.8	479	8.2	942	8.3	427	9.4
Those sentenced to punish- ment of loss of liberty	1467	29.1	1642	28.1	1677	28.3	1278	28.1

¹⁸ *Sztaniszlav Batavia* and his collaborators: Recidivism (Pravovegyenyije, 1965. Warsaw, No. 2.)

¹⁹ The essence of after-care activity is summed up by the school-book "Social work with offenders and their families in institutions and in the community" (University of Cambridge, Institute of Criminology, 1968. Seminar Series D.)

²⁰ Juvenile delinquency in the capital (Budapest Directorate of the Central Statistical Bureau, Budapest 1967. page 15.)

²¹ By virtue of paragraph no. 3. of Government decree No. 12/1965. after-care is obligatory for the convicts

- who are under legal exiling (paragraph No. 53 of the Criminal Code)
- who are many times recidivists or hardened offenders
- who have been sentenced to a loss of liberty of more than three years
- who need the help or control - in the judgement of the headquarters of the enforcement of the punishment, without regard to those stated in the previous points - for his social adaptation
- who ask for assistance from the headquarters of the institutions serving for place of the punishment, without regard to the above.

²² *Dr. József Földvári-Dr. József Vigh:* Criminology. University lecture-notes. (Tankönyvkiadó, Budapest 1966. pages 175-176.)

DIE UMERZIEHUNG DER JUGENDLICHEN VERÜBER WÄHREND DER NACHBETREUUNG

(ZUSAMMENFASSUNG)

Die Verfasser bestimmen im einleitenden Teil des Aufsatzes die Bedeutung der Nachbetreuung im Systeme der Prävention. Sie weisen darauf hin, daß die Nachbetreuung dann erfolgreiches Mittel gegen die Wiederholung des Verbrechens sein kann, wenn ihr ein Urteil mit pädagogischem Inhalt und eine wirksame Strafvollstreckung vorangegangen sind.

Die Prävention der Wiederholung des Verbrechens ist dann erfolgreich, wenn es gelungen ist, für den Verurteilten die subjektiven und objektiven Voraussetzungen der sozialen Anpassung zu schaffen. Die Ausgestaltung der subjektiven Bedingungen, im Rahmen des Strafurteils, ist die Aufgabe der Strafvollstreckung. Die Nachbetreuung strebt nach der Schaffung der objektiven Bedingungen.

Unter Berücksichtigung der Gesichtspunkte der sozialen Anpassung kritisieren die Verfasser die derzeitige Gerichtspraxis, das System der Strafvollstreckung und Nachbetreuung. Bei der letzteren werfen sie die Möglichkeit des Ausbaues eines berufsmäßigen Nachbetreuungsapparates auf. Sie halten die Ausgestaltung der Übergangsanstalten für nötig.

Im Falle der jungen volljährigen Entlassenen schlagen sie eine ähnliche Behandlung vor, wie sie bei Jugendlichen während der Nachbetreuung üblich ist.

ПЕРЕВОСПИТАНИЕ НЕСОВЕРШЕННОЛЕТНИХ АВТОРОВ ПРЕСТУПЛЕНИЙ В ХОДЕ ОПЕКИ ПОСЛЕ ОТБЫВАНИЯ НАКАЗАНИЯ

(РЕЗЮМЕ)

В введении статьи авторы определяют значение опеки после отбывания наказания в системе превенции. Указывают на то, что опека после отбывания наказания становится успешным средством предупреждения повторения совершения преступления, если ему предшествует правосудие педагогического содержания и эффективное исполнение наказания.

Предупреждение совершения преступления является успешным в случае, когда удаётся создать для осуждённого субъективные и объективные условия социальной реадaptации. Формирование субъективных условий в рамках обвинительного приговора является задачей исполнения наказания. Опека после отбывания наказания может иметь целью создать объективные условия освобождения.

Имея ввиду взгляды социальной реадaptации авторы подвергают критике настоящую судебную практику, системы исполнения приговора и опеки после отбывания наказания, в отношении которой они выдвигают возможность построения профессионального аппарата по опеке после отбывания наказания, находят нужным формирование переходных институтов.

Для молодых, освобождённых из тюрьмы, авторы предлагают тот же подход, который применяется к несовершеннолетним.